

111TH CONGRESS  
1ST SESSION

# H. R. 3055

To amend title XIX of the Social Security Act to continue Medicaid spousal impoverishment protections for spouses of beneficiaries receiving home and community based services under a current waiver parallel to protections afforded spouses of nursing home residents.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2009

Mr. ENGEL (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to continue Medicaid spousal impoverishment protections for spouses of beneficiaries receiving home and community based services under a current waiver parallel to protections afforded spouses of nursing home residents.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONTINUATION OF MEDICAID SPOUSAL IMPOV-**  
2 **ERISHMENT PROTECTIONS FOR CERTAIN**  
3 **SPOUSES OF BENEFICIARIES RECEIVING**  
4 **HOME AND COMMUNITY BASED SERVICES**  
5 **UNDER A CURRENT WAIVER PARALLEL TO**  
6 **PROTECTIONS AFFORDED SPOUSES OF NURS-**  
7 **ING HOME RESIDENTS.**

8 Section 1915(c) of the Social Security Act (42 U.S.C.  
9 1396(c)) is amended by adding at the end the following  
10 new paragraph:

11 “(10) In the case of a State waiver which was effec-  
12 tive under this subsection as of December 31, 2008, and  
13 which provided as of such date and in connection with  
14 such waiver for income and resource protections for  
15 spouses of individuals receiving home and community  
16 based services pursuant to this subsection equivalent to  
17 such protections authorized for spouses of institutionalized  
18 individuals under section 1924, the Secretary shall author-  
19 ize the continuation of such income and resource protec-  
20 tions for the duration of such waiver (including any exten-  
21 sions thereof).”.

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